

**Article 3: Planned Districts**

**Division 10: Mount Hope Planned District**

*("Mount Hope Planned District"  
added 5-21-1984 by O-16206 N.S.)*

**§103.1001 Purpose and Intent**

The purpose of this Planned District is to aid in the principles of neighborhood revitalization by: 1) Allowing for the integration of residences, commerce, industry and recreation, 2) Preserving and upgrading residential neighborhoods, and 3) Encouraging the development of new retail and commercial uses. The intent of this Planned District is to implement the Mount Hope Redevelopment Project. The proper development and redevelopment of Mount Hope is in keeping with the objectives and proposals of the Progress Guide and General Plan for the City of San Diego and of the Southeast San Diego Community Plan.

*(Added 5-21-1984 by O-16206 N.S.)*

**§103.1002 Boundaries**

The regulations in this division apply in the Mount Hope Planned District which is within the boundaries of the Southeastern San Diego Community planning area in The City of San Diego, California, designated on that certain Map Drawing No. C-684, and described in the appended boundary description filed in the office of the City Clerk under Document No. OO-16206.

In order to regulate the location of dwellings, businesses and other specified uses, subdistricts of the Mount Hope Planned District are established. The boundaries of said subdistricts are designated on that certain Map Drawing No. C-684.

*(Amended 4-7-1998 by O-18489 N.S.; effective 1-1-2000.)*

**§103.1003 Applicable Regulations**

Where not otherwise specified in this division, the following provisions of the Land Development Code apply:

Chapter 11, Land Development Procedures;  
Chapter 12, Land Development Reviews;  
Chapter 13, Zones; and  
Chapter 14, General Regulations.

Where there is a conflict between the Land Development Code and this division, this division applies.

*(Amended 4-7-1998 by O-18489 N.S.; effective 1-1-2000.)*

**§103.1004 Approval Required Before Issuance of Planned District Permit**

(a) Application.

Applications for a building permit shall be made in accordance with Land Development Code Chapter 11, Article 2 (Required Steps in Processing). The City Manager shall not issue any building permit for the commencement of any work in the erection of any new building or structure, or remodeling, alteration, addition, requiring a building permit, or demolition of any existing building or structure within the Planned District, or any building or structure which is moved into the Planned District, or grading, until a Planned District Permit is obtained.

(b) Content

The application shall include the following:

- (1) The purpose for which the proposed building structure or improvement is intended to be used;
- (2) Adequate plans and specifications indicating dwelling unit density, number and type of rooms (floor plan), lot area, lot coverage, off-street parking and landscaping;
- (3) Adequate plans and specifications for any outbuildings, courtyards, fences/walls, setbacks, grading, signs, outdoor lighting or traffic circulation, and
- (4) Any other information deemed necessary by the City Manager to judge compliance with the regulations contained herein and other applicable laws and regulations.

(c) Referral

The City Engineer shall refer all applications to the City Manager.

(d) Determination

The City Manager may approve or deny, in accordance with Process One, applications for the permits described in Section 103.1004(a). The City Manager shall provide a statement that the project does or does not conform to the regulations contained in this division. If the City Manager determines that the proposed project does not conform to the regulations contained in this division, the specific facts on which that determination is based shall be included in a written decision and provided to the applicant.

The City Manager may waive the requirements contained in this division to issue a building or construction related permit application of an emergency nature if such actions are to correct any condition which renders a building unsafe.

(e) Issuances

If the City Manager approves the application, and the application conforms to all other regulations and ordinances of the City of San Diego, the City Manager may then issue the appropriate permit for the work.

*(Amended 4-7-1998 by O-18489 N.S.; effective 1-1-2000.)*

**§103.1005 Procedures and Fees**

The fees for variance, conditional use permit, development permits, reconstruction permits, subdivisions, and amendments to this Planned District shall be the same as set forth in the City's Ratebook of Fees and Charges.

The procedure for application of the above permits, as well as the procedures for taking action on the permits, shall be the same as set forth in Land Development Code Chapter 11, Article 2 (Required Steps in Processing).

*(Amended 4-7-1998 by O-18489 N.S.; effective 1-1-2000.)*

**§103.1006 Sign Regulations**

Commercial and industrial developments shall be regulated by Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations).

The following sign provisions shall apply to residential development:

- (a) For each dwelling unit - one nameplate having a maximum area of one square foot shall be permitted.

- (b) For parking lots - one single or double-faced freestanding directional sign located at each driveway shall be permitted. This directional sign shall not exceed two (2) square feet in total face area and four (4) feet in height measured vertically from the base at ground level to the apex of the sign.
- (c) For all premises - one (1) single or double-faced freestanding sign with a maximum area of eight (8) square feet offering the premises for sale, rent or lease shall be permitted. This sign shall not exceed a height of four (4) feet measured vertically from the base at ground level to the apex of the sign. Such signs may be located anywhere on the premises.
- (d) Signs permitted herein may be lighted; however, none shall contain visibly moving parts nor be illuminated by flashing lights.
- (e) One (1) single- or double-faced freestanding sign may be installed facing or adjacent to each street abutting the property, provided that no such sign shall exceed a height of eight (8) feet measured vertically from the base at ground level to the apex of the sign.
- (f) The combined total face area of all wall and freestanding signs on the premises, excluding signs designating the premises for sale, rent or lease, shall not exceed twenty (20) square feet.
- (g) For apartment houses, boarding and lodging houses, churches, temples and buildings of a permanent nature used primarily for religious purposes, wall signs as defined in Land Development Code Section 113.0103 designating the principal uses of the premises shall be permitted, provided that no such sign shall project above the parapet or eaves of the building to which it is affixed or exceed a height of 12 feet, whichever is lower.

*(Amended 4-7-1998 by O-18489 N.S.; effective 1-1-2000.)*

## **§103.1007 Development Regulations**

The development regulations contained herein shall apply to the Mount Hope Planned District. The district shall be divided into three subdistricts.

The uses listed in Subdistricts I and II shall be allowed in either subdistrict if lots are consolidated to a minimum land area of 50,000 square feet, or if the project land area is the depth of the Planned District and bounded on three sides by streets. Depth shall be measured perpendicular to Market Street. In some cases, this will require that parcels located in the adjacent subdistrict will need to be consolidated; thus the permitted use shall be that of either subdistrict. In these cases, the property

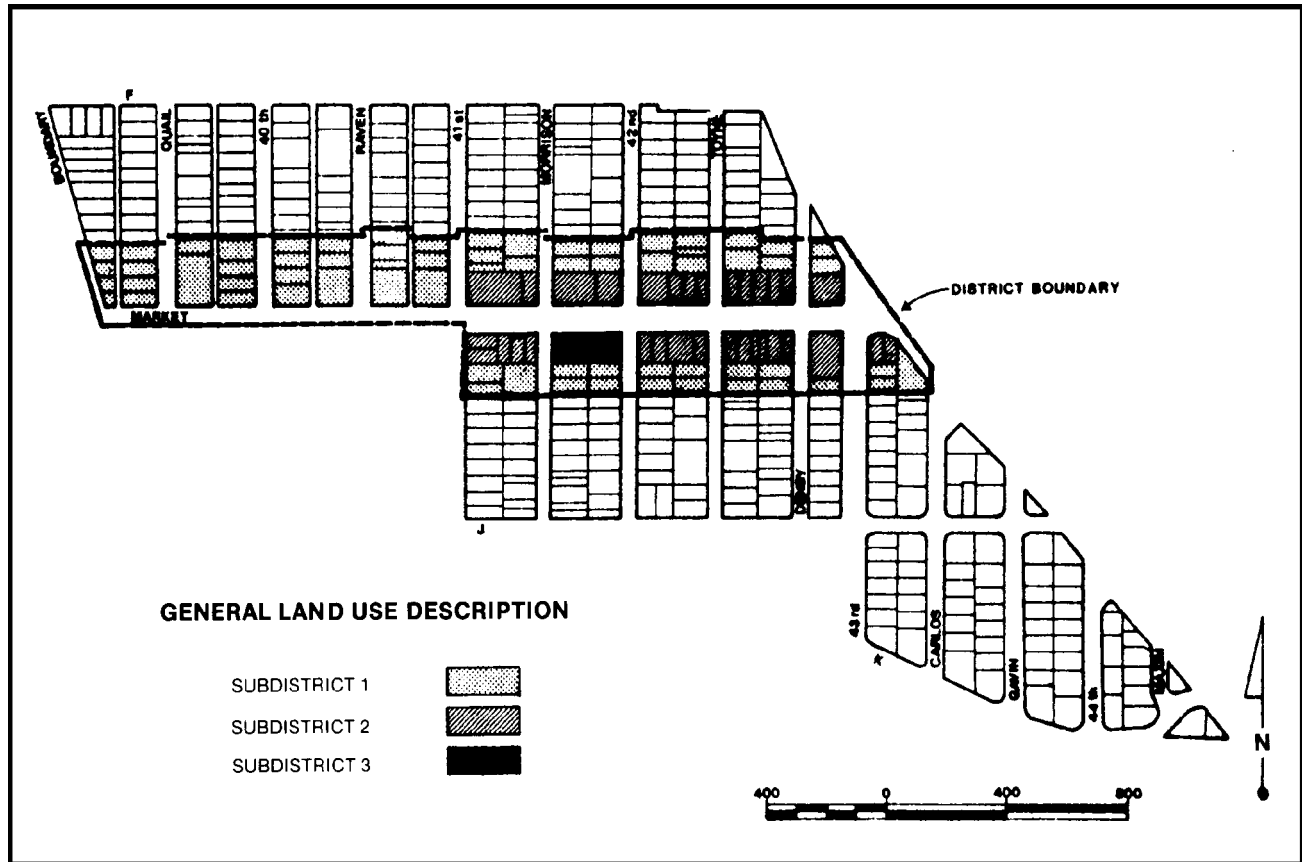
development regulations of each subdistrict shall accompany the permitted uses of that subdistrict, not the boundaries of the subdistrict. Lots or parcels not consolidated, but developed on existing lots within the stated boundaries of the subdistrict, shall be developed in accordance with the regulations of that particular subdistrict.

Subdistrict III permitted uses are allowed within the boundaries of Subdistrict III. The adjacent lots to the south of Subdistrict III, located in Subdistrict I, may be acquired and used to fulfill the development regulations of Subdistrict III. If the adjacent lots are not acquired, the permitted uses and development regulations of Subdistrict I shall govern.

District	Uses Allowed Given Existing Parcelization	Uses Allowed With Reparcelization
I	Residential	Residential, Commercial
II	Commercial	Residential, Commercial
III	Commercial	Residential, Commercial, Manufacturing

\*General description of land uses; see text for listing of specific permitted uses.

*(Added 5-21-1984 by O-16206 N.S.)*



**§103.1008 Subdistrict I Regulations**

(a) Purpose And Intent

Subdistrict I applies to the residential areas of the planned district. The intent of these regulations is to allow for mixed use development on Market Street. The purpose of these regulations is to allow for residential revitalization under existing parcelization, to allow for planned commercial developments, and to encourage new housing and commercial development on aggregated parcels.

(b) Boundaries

Subdistrict I encompasses the area north of Market Street, east of Boundary Street and west of 41st Street; and a strip north of Subdistrict II on Market Street, east of 41st Street and west of I-805 and a strip south of Subdistrict II and III on Market Street, east of 41st Street and west of I-805 all as shown on Map Drawing No. C-684.

(c) Permitted Uses

No building, structure, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

- (1) Single family dwellings.
- (2) Multiple unit residential complexes subject to maximum density regulations as set forth in Section 103.1008(e)(4), excluding premises designed or used for the temporary residence of persons for less than one week.
- (3) Accessory uses customarily incidental to the foregoing permitted uses, including the following:
  - (A) Recreational and health facilities which are designed, used and clearly intended for the use of residents of apartment houses, boarding and lodging houses, including tennis courts, putting greens, exercise rooms and sauna and steam baths.
  - (B) Service establishments in residential complexes containing not less than 80 dwelling units which are designed, used and clearly

intended for the primary convenience of the occupants of the residential complex, including the following:

- (i) Barber shops.
- (i) Beauty Shops.
- (iii) Communal dining facilities.
- (iv) Snack bars.
- (v) Dry cleaning and laundry pick- up agencies.

- (C) All accessory uses shall be located in the same building as permitted uses which they serve. There shall be no entrance to any such accessory uses except through a foyer, court, lobby, hall, patio or other similar interior area. However, neither of the foregoing regulations shall be applicable to accessory uses exclusively serving outdoor recreational activities. No signs, displays or advertising relating to accessory uses shall be visible from any street. The combined gross floor area of all accessory uses, excluding outdoor recreational facilities, on any premises shall occupy not more than ten (10) percent of the gross area of the permitted uses.

(4) Specialized Uses

- (A) Churches, temples or buildings of a permanent nature used primarily for religious purposes.
- (B) Temporary real estate sales offices subject to the limitations as set forth in Land Development Code Section 141.0701.

- (5) Any other uses, including accessory uses, which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses enumerated in this paragraph, and consistent with the purpose and intent of this Subdistrict. The Planning Commission's resolution embodying such findings shall be filed in the office of the City Clerk.

(d) Special Regulations

- (1) Commercial uses, as permitted in Sec. 103.1009(c), shall be allowed if the project contains a land area of not less than 50,000 square feet or if the project land area is the depth of the Planned District and bounded on three sides by streets. The area of the project may contain land lying within more than one subdistrict. In order to achieve this, adjacent properties located in either Subdistricts II or III, may be included in the project. Projects shall be restricted to the special regulations, the outdoor display and storage regulations, and the property development regulations of Subdistrict II.
- (2) Higher density residential development shall be allowed in cases where the project contains a land area a minimum of 50,000 square feet, or if the project land area is the depth of the Planned District, measured perpendicular to Market Street and bounded on three sides by streets, subject to the following conditions:
  - (A) Density. One dwelling unit per 1500 square feet of land area.
  - (B) Yard fronting Market Street. 25 feet.
  - (C) Fences. A fence or wall not less than six (6) feet in height shall be required along all portions of the perimeter of the premises that abut residentially zoned property. The fence may be either a solid fence or an open fence as defined in Land Development Code Section 113.0103.
  - (D) Curb cuts. There shall be no direct vehicular access to or from Market Street.
- (e) Property Development Regulations

No building, structure or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, or used, nor shall any lot or premises be used unless the lot or premises and building or structure or portion thereof shall comply with the following requirements and special regulations:

- (1) Minimum Lot Dimensions:
  - (A) Area. 6,000 square feet.
  - (B) Street frontage. 60 feet.

(C) Width.

(i) Interior lot - 60 feet.

(ii) Corner lot - 65 feet.

(D) Depth. 100 feet.

(E) Exception. Any lot which qualifies under the definition of a lot as set forth in this Land Development Code Section 113.0103 and which does not comply in all respects with the minimum lot dimensions specified in this division may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

(2) Minimum Yards:

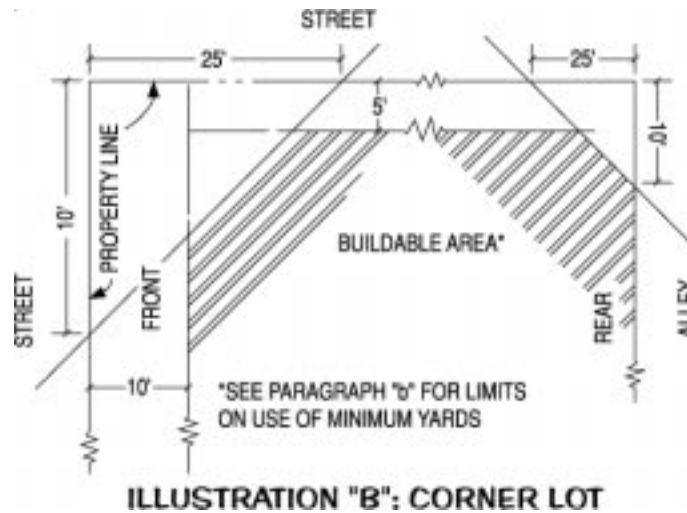
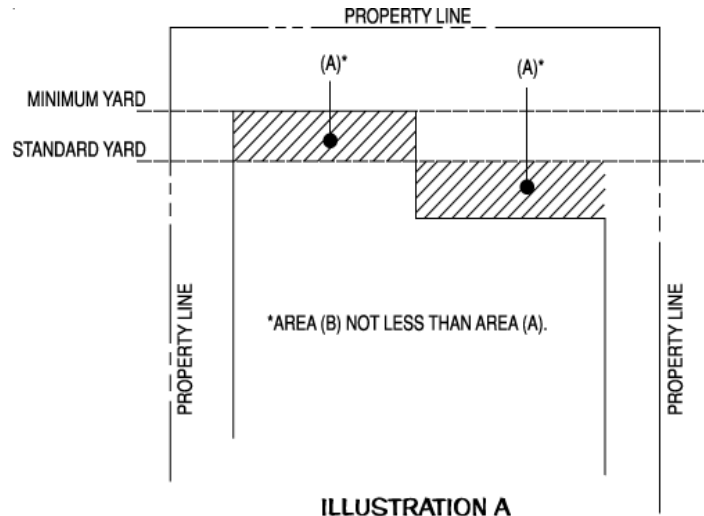
(A) Minimum yard requirements for properties in Subdistrict I shall be as shown in Table I, below.

TABLE I MINIMUM YARD REQUIREMENTS

	Standard Yard(i)	Minimum Yard(ii)
Front	15	10
Interior Side	4 (iii)	5 (iii)
Street Side	10 (iv)	5
Rear	4, if alley (iii)	0 (iii)
	15, if no alley (iii)	10 (iii)

- i. Standard Yard. The standard yard shall be required for all projects, except as provided in paragraph ii., following.
- ii. Minimum Yard. The minimum front, street side and rear yard may be used if a vertical offset in the facade is provided; this option is permitted if for all standard yard encroachments, an equal yard area is provided behind the standard yard as shown in Illustration A.
- iii. For every 10-foot increment and portion thereof of building height above twenty (20) feet in height, the standard and minimum rear or interior side yard shall be increased three (3) feet.
- iv. On corner lots, the minimum front and street side yards may not be used within the triangular area established by (1) the street property lines and a line connecting points on the property lines, which

points are twenty-five (25) feet from the street intersection corner of the lot; or (2) the street side yard property line, rear property line and a line connecting points on these lines, which points are ten (10) feet from the rear corner of the lot. (See Illustration B).



- (B) Exception. Two (2) adjoining lots which have a common side lot line, and which are developed concurrently may be developed with zero side yards on the common side lot line provided that each opposite interior standard side yard shall be eight (8) feet and the minimum side yard shall not be less than

four (4) feet. These requirements shall be increased three (3) feet for every ten (10) foot increment above twenty (20) feet in height.

- (C) Other applicable yard regulations are contained in Land Development Code Section 131.0140.

(3) Maximum Lot Coverage:

There shall be no lot coverage limits for lots or parcels developed at not more than one dwelling unit per 3000 square feet. For lots or parcels developed at a density greater than one dwelling unit per 3000 square feet, there shall be a maximum coverage requirement of 50 percent for interior parcels, and 60 percent for corner parcels.

(4) Density:

No lot or parcel shall be developed or occupied by more than one dwelling unit for each 3000 square feet of lot area; except that in cases where the project contains a minimum of 50,000 square feet of lot area, the allowable density shall be one dwelling unit for each 1500 square feet of lot area.

(5) Floor Area Ratios:

The maximum floor area ratio shall be .75 for projects developed at a density of not more than one dwelling unit per 3,000 square feet of lot area. For projects developed at a higher density, the floor area ratio shall be 1.20.

(6) Maximum Building Height:

The maximum building height shall be thirty (30) feet where there is a flat roof, or forty (40) feet in height where the roof is sloped toward the interior and/or street side yards and no plane of the sloped roof shall have a slope exceeding forty-five (45) degrees from horizontal. Dormers that are set into roof planes sloping toward interior or street side yards and that, in whole or in part, exceed thirty (30) feet in height shall have an aggregate width not exceeding twenty (20) percent of the length of the roof plane in which located, measured at the eaves. Dormers that do not exceed thirty (30) feet in height or that are located in roof planes sloped toward the front or rear yards are not restricted in

width.

Nothing herein shall be construed to require any particular roof or wall treatment of those portions of a structure other than those with roofs sloping toward the interior and/or street side yards.

(7) Enclosure Regulations:

- (A) No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls and roofs with construction and appearance similar to the main building.
- (B) Applicable fence and wall regulations are contained in Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

(8) Landscaping Regulations:

Where not otherwise specified in this division, landscaping shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). Where there is a conflict between the Land Development Code and this division, this division applies.

- (A) Prior to the use or occupancy of any lot or premises, the entire required front and street side yards shall be suitably landscaped, except for those areas occupied by driveways and walkways. In no case shall the required landscaped area be less than forty percent (40%) of the total area included in the required front and street side yards.
- (B) A minimum of ten (10) percent of the total gross area of all parking lots or areas, not including parking structures or underground parking facilities, shall be landscaped.

(9) Off-Street Parking and Driveway Regulations:

- (A) Every premises used for one or more of the permitted uses

listed in Section 103.1008(c) shall be provided with a minimum of permanently maintained, off-street parking spaces in a parking area or private garage on the same premises in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

- (B) Driveway width and spacing shall be in conformance with Land Development Code Section 142.0560.

*(Amended 4-7-1998 by O-18489 N.S.; effective 1-1-2000.)*

### **§103.1009 Subdistrict II Regulations**

- (a) Purpose and Intent

Subdistrict II applies to the commercial areas of the planned district. The intent of these regulations is to allow for mixed use development on Market Street. The purpose of these regulations is to allow for commercial revitalization under existing parcelization and to encourage new housing and commercial development on aggregated parcels.

- (b) Boundaries

Subdistrict II encompasses a strip on both sides of Market Street between 41st and I-805 except for the block between Morrison and 42nd Street on the south, all as shown on Map Drawing No. C-684.

- (c) Permitted Uses

No building, structure, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

- (1) Banks, including branch banks, and other similar financial institutions.
- (2) Business and professional office uses. Such uses may include accountants, advertising agencies, architects, attorneys, contractors, doctors, dentists, engineers, insurance agencies, medical and dental clinics (no overnight patients), photographers, real estate brokers, securities brokers, surveyors and graphic artists.
- (3) Private clubs, lodges and fraternal organizations.

- (4) Restaurants and bars with incidental entertainment and dancing.
- (5) Theaters (indoor only).
- (6) Trade and business schools.
- (7) Churches and wedding chapels.
- (8) Labor unions (no hiring halls) and trade associations.
- (9) Medical, dental, biological and X-ray laboratories.
- (10) Public utility electric substations, gas regulators and communications equipment buildings.
- (11) Retailing of consumer convenience goods and dispensing of consumer services from the following establishments:
  - (A) Antique shops.
  - (B) Apparel shops.
  - (C) Art stores and art galleries.
  - (D) Bakeries.
  - (E) Barber shops.
  - (F) Beauty shops.
  - (G) Bicycle shops.
  - (H) Book stores.
  - (I) Business machines.
  - (J) Cocktail lounges.
  - (K) Confectioneries.
  - (L) Curtain, drapery, and upholstery shops.

- (M) Drug stores.
- (N) Dry cleaning and laundry agencies and self - service dry cleaning and laundry establishments.
- (O) Dry goods.
- (P) Florists.
- (Q) Food stores.
- (R) Furniture Stores.
- (S) Gyms, when equipped for physical fitness activities and athletic training programs.
- (T) Hardware stores excluding the sale of used building materials, used appliances and used plumbing supplies.
- (U) Hobby shops.
- (V) Interior decorators.
- (W) Jewelry stores.
- (X) Leather goods and luggage shops.
- (Y) Locksmith shops.
- (Z) Medical appliance sales.
- (AA) Music stores, with no outside speakers.
- (BB) Nurseries - plant.
- (CC) Office furniture and equipment.
- (DD) Pet Shops.
- (EE) Paint and wallpaper stores.
- (FF) Photographic studios and retail outlets.

- (GG) Radio, television and home appliance repair shops, no outside displays.
  - (HH) Pharmacies.
  - (II) Post Offices.
  - (JJ) Restaurants.
  - (KK) Rug and carpet stores.
  - (LL) Shoe stores.
  - (MM) Shoe repair shops.
  - (NN) Sporting goods stores.
  - (OO) Stationers.
  - (PP) Studios for teaching of art, dancing and music.
  - (QQ) Variety stores.
  - (12) Any other use, which the Planning Commission may find, in accordance with "Process Four", to be similar in character to the uses enumerated in this paragraph and consistent with the purpose and intent of this Subdistrict. The resolution embodying such findings shall be filed in the office of the City Clerk.
- (d) Special Regulations
- (1) Residential uses as permitted in Section 103.1008(c) shall be allowed if the project contains a land area of not less than 50,000 square feet or if the project land area is the depth of the Planned District and bounded on three sides by streets. Depth shall be measured perpendicular to Market Street. The area of the project may contain land lying within more than one subdistrict. In order to achieve this, adjacent properties located in either Subdistrict I or III, may be included in the project. Projects shall be restricted to the special regulations, sign regulations and property development regulations of Subdistrict I.
  - (2) All uses except off-street parking, outdoor dining facilities, signs and

the storage and display of those items listed in paragraph (e)(1) and (e)(2) shall be operated entirely within enclosed buildings.

- (3) Artificial lighting used to illuminate the premises shall be directed away from adjacent properties.
- (4) No mechanical equipment, tank duct, elevator enclosure, cooling tower or mechanical ventilator shall be erected, constructed, maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed penthouse or other portion of a building having walls or visual screening with construction and appearances similar to the main building.

(e) Outdoor Display and Storage Regulations

- (1) The following listed merchandise sold or rented on the premises may be displayed outdoors without screening walls or fences except along common property lines of abutting residentially-zoned lots:
  - (A) Flowers and plants.
  - (B) Food products.
  - (C) Handcrafted products and goods.
  - (D) Artwork and pottery.
  - (E) Any other merchandise which the City Manager may find to be similar in character, type or nature to the merchandise listed in Section 103.1009(e)(1)(A)-(D). The adopted resolution embodying such finding shall be filed in the office of the City Clerk.
- (2) All other merchandise sold on the premises may be displayed outdoors during hours of operation provided that the display area is completely enclosed by walls, fences, buildings or landscape screening or a combination thereof.
- (3) All walls and fences required in Section 103.1009(e)(2) shall be a minimum of six (6) feet in height and shall be constructed and maintained with not less than fifty percent (50%) of the surface area impervious to light. The location, materials and design of required

walls and fences shall be subject to approval by the City Manager. Whenever feasible, the approval of the City Manager shall be based upon the similarity of architectural design and appearance of the wall or fence to existing buildings on the premises or to buildings being constructed concurrently on the premises. Such walls or fences shall be maintained in accordance with the provisions set forth in Land Development Code Chapter 14, Article 2, Division 3 (Fence Regulations).

- (4) When landscape screening is used to enclose areas used for outdoor display or storage, a landscape screening proposal shall be submitted to the City Manager for approval. The landscape screening shall be developed in substantial conformance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). Landscape screening shall be permanently maintained in accordance with the adopted standards referred to in this section.

(f) Property Development Regulations

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, or used nor shall any premises be used unless the lot or premises and buildings shall comply with the following regulations and standards:

(1) Minimum Lot Dimensions:

- (A) Area. 5,000 square feet.
- (B) Street frontage. 50 feet.
- (C) Width. 50 feet.
- (D) Depth. 100 feet.
- (E) Exception. Any lot which qualifies under the definition of a lot as set forth in this Code and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.

(2) Minimum Yards:

- (A) Front. 10 feet.
- (B) Side.
  - (i) Interior. Zero except that a four (4) foot side yard shall be provided if any portion of the side lot line abuts residentially zoned property. For every ten (10) foot increment and portion thereof of building height above twenty (20) feet in height, the interior side yard shall be increased three (3) feet.
  - (ii) Street. 10 feet.
- (C) Rear. Zero except that a fifteen (15) foot rear yard shall be provided if any portion of the rear lot line abuts residentially zoned property. For every ten (10) foot increment and portion thereof of building height above twenty (20) feet in height, the interior side yard shall be increased three (3) feet.

(3) Maximum Floor Area Ratio:

The maximum floor area ratio shall be 1.0. However, the floor area ratio may be increased to 2.0, if the project contains a land area a minimum of 50,000 square feet or if the project land area is 200 feet in depth and bounded on three sides by streets.

(4) Landscaping:

Prior to the use or occupancy of any premises of twenty-five (25) feet in width or less, a minimum of two percent (2%) of the premises, which shall be visible from an immediate abutting public street right-of-way, shall be suitably landscaped with shrubs, trees, and ornamental ground cover. The minimum landscaping requirement shall increase one-half of one percent for each twenty-five (25) feet of parcel width but need not exceed a maximum of five percent (5%).

However, if a project contains a land area a minimum of fifty thousand (50,000) square feet or if the project land area is two hundred (200) feet in depth and bounded on three (3) sides by streets, a strip of land within the premises which abuts public street rights-of-way shall be suitably landscaped with shrubs, trees and ornamental ground cover. This strip shall have a minimum depth of five (5) feet and an area equal

in square feet to ten (10) times the length of the property line abutting public street rights-of-way. Any portion of this landscaped strip which exceeds twenty-five (25) feet in depth shall not be included in calculating the required area.

Where not otherwise specified in this division, landscaping shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). Where there is a conflict between the Land Development Code and this division, this division applies. Prior to the issuance of any building permits, a complete set of landscaping and irrigation plans shall be submitted to the City Manager for approval.

A minimum of ten percent (10%) of the total gross area of all parking lots or areas, not including parking structures or underground parking facilities, shall be landscaped.

(5) Walls:

Prior to the use or occupancy of any premises, a wall or solid fence as defined in Land Development Code Section 113.0103, not less than six (6) feet in height shall be constructed along all portions of the perimeter of the premises that abut residentially zoned property.

(6) Off-Street Parking Regulations:

(A) Every premises used for one or more of the permitted uses listed in Section 103.1009(c) shall be provided with off-street parking spaces on the same lot or premises, in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

(B) Driveway width and spacing shall be in conformance with Land Development Code Section 142.0560.

*(Amended 4-7-1998 by O-18489 N.S.; effective 1-1-2000.)*

**§103.1010 Subdistrict III Regulations**

(a) Purpose and Intent

Subdistrict III applies to the commercial and manufacturing area of the planned district. The purpose of these regulations is to allow for the manufacturing of

goods which are sold on premises. It is the intent of these regulations that the manufacturing of these uses is secondary to the commercial establishment and that they coexist with neighboring residential areas and enhance the visual quality of the area.

(b) Boundaries

Subdistrict III encompasses the area south of Market, east of Morrison Street and west of 42nd Street, as shown on Map Drawing No. C-684.

(c) Permitted Uses

No building, structure, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

- (1) Any use allowed in Subdistrict 1, Sec. 103.1008, if the project contains a land area of not less than 50,000 square feet, and is developed under the regulations and restrictions of Subdistrict I.
- (2) Any use allowed in Subdistrict II, Sec. 103.1009, as long as the project is developed under the regulations and restrictions of Subdistrict II.
- (3) Apparel items, including belts, bags, dress and work gloves, textile products, hats, robes and dressing gowns, and other miscellaneous accessories.
- (4) Audio products, communication equipment and radio and television receiving sets.
- (5) Awnings - metal, wood or canvas.
- (6) Cutlery, hand tools and general hardware.
- (7) Electric lighting and wiring equipment, electric components and computing equipment.
- (8) Foodstuffs limited to bakery products, beverages, confectionery and roasted coffee and coffee products.
- (9) Glass containers, glassware, pressed and blown.

- (10) Household items limited to brooms and brushes, furniture and fixtures and lampshades.
  - (11) Jewelry, silverware and plated ware, and costume jewelry, novelties, buttons, and miscellaneous notions.
  - (12) Luggage.
  - (13) Mortician's goods.
  - (14) Musical instruments and parts.
  - (15) Office machines.
  - (16) Paper products.
  - (17) Pens, pencils and other office and artists' materials.
  - (18) Perfumes, cosmetics and other toilet preparations.
  - (19) Pottery and related products.
  - (20) Professional, scientific and controlling instruments.
  - (21) Photographic and optical goods, watches and clocks.
  - (22) Toys, amusements, sporting and athletic goods.
  - (23) Umbrellas, parasols and canes.
  - (24) Wooden Containers.
- (d) Special Regulations
- (1) All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls or fences. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment or vehicles shall be stored to a height greater than any adjacent wall or fence.

- (2) No mechanical equipment, tank, duct, elevator, enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.
- (3) No merchandise, material or equipment shall be stored on the roof of any building.
- (4) That certain 100-foot-deep area adjacent to and south of this Subdistrict III and between Morrison and 42nd Streets may be developed under the development regulations of this Subdistrict III, so long as such development is in conjunction with and a part of the existing development or any new, rehabilitated or otherwise reconfigured development occurring within Subdistrict III.

(e) Property Development Regulations

No building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used unless the lot or premises and buildings comply with the following regulations and standards:

- (1) Minimum Lot Dimensions:
  - (A) Area. 22,000 square feet.
  - (B) Street frontage. 100 feet.
  - (C) Width. 100 feet.
  - (D) Depth. 150 feet.
  - (E) Exception. Any lot which qualifies under the definition of a lot as set forth in this Code and which does not comply in all respects with the minimum lot dimensions specified herein may nevertheless be used as permitted and otherwise regulated by the provisions applicable to this zone.
- (2) Minimum Yards:

- (A) Front. 25 feet.
- (B) Side.
  - (i) Interior. 15 feet.
  - (ii) Interior abutting residentially zoned property. 30 feet.
  - (iii) Street. 25 feet.
- (C) Rear. 25 feet.

(3) Maximum Floor Area Ratio:

The maximum floor area ratio shall be two.

(4) Landscaping:

Where not otherwise specified in this division, landscaping shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). Where there is a conflict between the Land Development Code and this division, this division applies. Prior to the use or occupancy of any lot or premises, a minimum of ten percent (10%) of the entire area of the lot or premises shall be suitably landscaped, including a planting strip along those portions of the perimeter of the lot or premises adjoining streets, highways and public places except where driveways and sidewalks are located. The planting strip shall have a depth of not less than ten (10) feet.

(5) Walls:

Prior to the use or occupancy of any premises, a wall or solid fence as defined in Land Development Code Section 113.0103, not less than six (6) feet in height shall be constructed along all portions of the perimeter of the premises that abut residentially zoned property.

(6) Off-Street Parking and Driveway Regulations:

- (A) Forty (40) percent of the total area of the lot or premises shall be reserved for use as automobile parking areas, driveways, and off-street loading platforms and docks.

- (B) There shall be no direct vehicular access to or from Market Street.
- (C) A minimum of ten (10) percent of the total gross area of all parking lots or areas, not including parking structures or underground parking facilities, shall be landscaped.
- (D) Parking shall be in conformance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).

*(Amended 4-7-1998 by O-18489 N.S.; effective 1-1-2000.)*